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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,643	12/28/2000	Checraallah Kachouh	741118-43	4922

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NIXON PEABODY, LLP
8180 GREENSBORO DRIVE
SUITE 800
MCLEAN, VA 22102

EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 06/18/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,643

Applicant(s)

KACHOUH, CHECRALLAH

Examiner

Michael J Kyle

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-14 is/are rejected.
- 7) ☒ Claim(s) 4 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 0200 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities: Lines 3-4 of claim 14 read "and having outer stop". The examiner believes the word --an-- should be inserted between "having" and "outer" so that the phrase reads --and having an outer stop--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 5, the phrase "spring-like" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "spring-like"), thereby rendering the scope of the claim unascertainable.
3. Claim 12 recites the limitation "the actuating element" in then second line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3676

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, 7-8, 10, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers, Jr. et al. (U.S. Patent No. 5,409,277). With respect to claim 1, Rogers, Jr. et al. discloses a door lock actuator with a reversible drive motor (16), an actuator drive that is driven by the motor (14), an operating lever dynamically coupled to the actuator drive (30), an antitheft lever dynamically coupled to the actuator drive (42), an emergency actuating mechanism (key switch S), and a pre-tensioning mechanism adapted to switch the antitheft lever from the “antitheft off” operating state into the “antitheft” operating state (46). The examiner considers key switch (S) of Rogers, Jr. et al. to be an “emergency actuating mechanism” because the applicant’s “emergency actuating mechanism” in claim 1 is the only actuating mechanism that is claimed.
5. With respect to claims 2 and 3, Rogers, Jr. et al. discloses the emergency actuating mechanism to be key actuated (K) outer locking lever and for a catch mechanism to be mounted on the actuator drive (27c).
6. With respect to claim 5, Rogers, Jr. et al. discloses the catch mechanism to be a tongue (27c) formed on the actuator drive (14).
7. With respect to claims 7-8, Rogers, Jr. et al. discloses the control crank (22) on the actuator drive (14) to include a raised edge (20). Rogers, Jr. et al also discloses the antitheft lever to be a two armed lever (42, 46).

Art Unit: 3676

8. With respect to claim 10, Rogers, Jr. et al. discloses the electric motor actuator to be comprised of a micro-switch (50) assigned to the operating lever (33), and for the micro-switch to be positioned for actuation by the operating lever via a switch-actuating lever (34).

9. With respect to claims 12-14, Rogers, Jr. et al. discloses the micro-switch to be positioned for actuation by the operation lever, the actuator drive to include a second control crank (20) extending in a curve around an axis of rotation of the actuator drive, and the second control crank (20) to include a first end having an inner stop (54) located substantially proximal to the axis of rotation of the actuator drive, and a second end opposing the first end having an outer stop (58) situated distal from the axis of rotation of the actuator drive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers, Jr. et al. in view of Kondo et al. (U.S. Patent No. 6,145,354). Rogers, Jr. et al recites all of the limitation from claim 1 above, and discloses the actuator drive to be constructed in three planes. However, Rogers, Jr. et al. does not disclose the actuator drive to be coupled to the reversible drive motor in a middle plane, the actuator drive to be coupled to the operating lever in the one of the upper and lower planes, or the actuator drive to be coupled to the antitheft lever in the other of the upper and lower planes.

Art Unit: 3676

Kondo et al. discloses the actuator drive to be coupled to the reversible drive motor (62) in a middle plane, the actuator drive to be coupled to the operating lever (69) in the one of the upper and lower planes, or the actuator drive to be coupled to the antitheft lever (71) in the other of the upper and lower planes for the purpose of allowing a locking and double-lock feature. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rogers, Jr. et al. as taught by Kondo et al. for the purpose of allowing the operating lever and the antitheft lever to operate without interference from one another.

11. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers, Jr. et al. Rogers, Jr. et al. recites all of the limitations of claims 1 and 10 above, but does not disclose the actuator drive and the antitheft lever to be composed of a plastic material, nor does Rogers, Jr. et al. disclose the switch-actuating lever to be composed of a plastic material. However, *In re Leshlin* provides that the selection of a known plastic to make a container was held to be obvious. Therefore, it would have been obvious to one of ordinary skill in the art to manufacture the actuator drive, the antitheft lever, and the switch-actuating lever from plastic for the purpose of reducing costs.

Allowable Subject Matter

12. Claims 4, and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. The following references are cited to further show the state of the art with respect to emergency unlocking features for antitheft locks: Ursel et al., Brackmann et al. (U.S. Patent No. 5,921,595), Brackmann et al. (U.S. Patent No. 5,419,597), Hsu, Strathmann, and Weyerstall.

14. The following references are cited to further show the state of the art with respect to antitheft locking mechanisms: Brackmann et al. (U.S. Patent No. 5,961,163), Ikeda, Gruden et al., and Inoue.

15. The following references are cited to further show the state of the art with respect to power actuated door latches: Kleefeldt et al., Hoshikawa et al., and DE 3933432.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9322 for regular communications and 703-872-9323 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.


Anthony Knight
Supervisory Patent Examiner
Group 3600